

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION**

**CRIMINAL MINUTES - INITIAL APPEARANCE - COMPLAINT**

**Case No.: 3:13MJ54**

**Date: 11/6/2013**

**Defendant: Michael G. Morris, custody**

**Counsel: Fay Spence, FPD**

|          |                 |                         |                          |
|----------|-----------------|-------------------------|--------------------------|
| PRESENT: | JUDGE:          | Robert S. Ballou, USMJ  | TIME IN COURT: see below |
|          | Deputy Clerk:   | R. Mills                |                          |
|          | Court Reporter: | R. Mills, FTR           |                          |
|          | U. S. Attorney: | Michael Joseph Freeman  |                          |
|          | USPO:           | Lollie Burns            |                          |
|          | Case Agent:     | Nicholas Rudman, FBI TF |                          |
|          | Interpreter:    | none                    |                          |

**INITIAL APPEARANCE**

- Initial Appearance. Defendant(s) advised of charges, rights and nature of proceedings. ID admitted, PC found.
- Government moves to unseal case. Court grants or denies motion.
- X Defendant requests appointment of counsel. CJA 23 completed; Court questions deft. re: fin. status. Court adv. deft. he does not qualify for Ct. appt. Deft. advises he may retain counsel. FPD apptd. for this hearing.
- X Defendant to next appear for a preliminary hearing on –to be set- before Judge Welsh. Deft. reserves right to prel. hrg. once counsel retained.
- Defendant, through counsel, concedes that the government has probable cause to proceed.
- Government has no objection to defendant being released on bond.
- Deft. released on bond. Bond set at amount and /or type. Appearance bond and Order Setting Conditions of Release to follow.
- X Government moves for detention. Deft. opposes dtm.
- Government moves for continuance of detention hearing.
- Defendant(s) moves for continuance of detention hearing.
- Detention hearing continued to new hearing date.
- X Detention hearing held. Govt. evid. Govt. witness: Nicholas Rudman, FBI TF; Lollie Burns, USPO. Govt. rests. Deft. evid. Deft. witness: Michael Morris. Deft. rests. Closing arguments by Govt. & deft. atty.
- X Findings of Fact: Stated in open Court: Presump. case not overcome; nat. of charges inv. Minor victims; wt. of evid. is strong in agent's testimony of downloaded files assoc. w/ deft., deft's statements made to agent, deft's statements re: impact of charges, complaint reveals child porn. Images, deft. adv. agent he was inv. in distribution & was engaging in webcams w/ minors, no residential plan to insure deft. would not have access to electronics, clear & conv. evid. of danger to comm.. & no cond. or comb. Ofconds. to ensure safety to comm.. Deft. adv. of appeal rights.
- X Deft. remanded to custody. Orders to follow: odpt.
- Deft. notified of right to consular notification under the Vienna Convention.

In addition to the standard conditions of release, the following special conditions of release are imposed:

- The defendant shall avoid contact outside the presence of his/her counsel with any alleged victims or potential witnesses regarding his/her case.

- The defendant shall report as directed by the probation officer, and shall promptly report any personal status changes to the probation officer: this shall include immediately reporting any contact by law enforcement officers regarding a criminal investigation or any additional criminal charges placed against the defendant; the defendant shall continue to reside at his/her current residence, and shall not change residences without first obtaining permission from the probation officer.
- The defendant shall abstain from the excess OR any use of alcohol or any use or possession of any controlled substances unless prescribed by a licensed treating physician for a legitimate medical purpose.
- The defendant shall not possess a firearm or other dangerous weapon and shall reside in a residence free of such.
- The defendant shall submit to random drug and or alcohol testing as directed by the probation officer.
- The defendant shall not travel outside the Western District of Virginia without first obtaining permission from the probation officer.
- The defendant shall submit to warrantless search and seizure of his/her person and property as directed by the probation officer for the purpose of determining if he/she is in compliance with his/her conditions of pretrial release.
- The defendant shall actively seek and/or maintain employment.
- The defendant shall maintain or commence an education program.
- The defendant shall surrender his/her passport to the Probation Office to be held pending further order of the court; the defendant shall not apply to obtain a passport.
- The defendant shall not associate with any known users/possessors of illegal controlled substances and shall not be present in any location where illegal controlled substances are being used and/or distributed, unless approved by his/her supervising officer in cooperation with law enforcement officers.
- The defendant shall be placed on home detention subject to electronic monitoring and all residential absences must be approved in advance by the probation officer.
- The defendant shall continue in his/her current mental health OR substance abuse OR both counseling/treatment program at his/her own expense.
- The defendant shall allow the probation officer open communication with any treatment agencies or health care providers for the purpose of monitoring the defendant's compliance with all treatment requirements.
- Any animals on the premises of the defendant's residence must be restrained in a way so as to not interfere with the probation officer's access to the defendant's residence and to ensure the officer's safety.
- Defendant advised of penalties and sanctions for failure to appear and/or violating conditions of release.

Orders forthcoming: type or Order(s)

Additional Information:

Prel. hrg. set for 11/18 at 10:30 am in Harrisonburg before Judge Welsh. Counsel status hrg. set for 11/14 at 11:30 am in Charlottesville before Judge Ballou. Court adv. deft. that, if he retains counsel prior to 11/14, hrg. can be cancelled and/or can proc. w/ prel. at that time. Time in Court: IA: 4:31-4:39 (8 mins.); Dtn: 4:39-5:34 (55 mins.)

**NOTE: If the defendant is remanded to custody, a preliminary exam must be held within 14 days. If the defendant is released on bond, a preliminary exam must be held within 21 days. If the defendant waives a preliminary exam, Form AO-0468 must be executed by the defendant and his/her counsel.**